UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,913	03/01/2002	Thomas Matthews	378775.0005	7140

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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/084,913	MATTHEWS ET AL.
	Examiner	Art Unit
	Jude J. Jean-Gilles	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 March 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>22-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>22-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 March 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 03/13/2006.

Response to Amendment

1.   This action is responsive to the application filed on 03/01/2002 with a Reply received on 03/13/2006. Claims 1-21, and 22-42 have been added. Thus, claims 22-42 are pending in this application and subject to this examination. Claims 22-42 represent a method and apparatus for an "Network Management."

Response to Arguments

2.   The Office expresses its appreciation to the applicants and their representatives for taking the time to give a personal interview on March 10, 2006. During the interview the Applicants provided a demonstration to the Examiner of an embodiment of the present invention, and presented arguments that the present invention distinguishes over the cited art. The Examiner indicated that the claims should be amended to distinguish from the prior Art and that new search would be conducted to ensure proper examination of the application. No IDS has been presented with respect to this amendment.

Applicant's arguments with respect to claims 22-42 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below,

necessitated by Applicant substantial amendment (i.e., a method upon receiving

notification of a network or system failure, obtaining secure access to a client network

infrastructure from a remote device...") to the claims which significantly affected the

scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and

all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to

"clearly point out the patentable novelty which he or she thinks the claims present in

view of the state of the art disclosed by the references cited or the objections made. He

or she must show the amendments avoid such references or objections."

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 22-42** are rejected under 35 U.S.C. 102(e) as being anticipated by Mann

et al (Mann), Patent No. 6,654,801 B2.

Regarding **claim 22**, Mann discloses a method for remote response and

resolution of network and system failures, the method comprising:

upon receiving notification of a network or system failure, obtaining secure

access to a client network infrastructure from a remote device (column 2, lines 50-67;

column 8, lines 56-67);

transmitting a remote device message to the network management server, the

message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27,

56-67);

at the network management server, translating each instruction into a series of

commands that are executable against multiple network components (column 6, lines 1-

12; column 8, lines 3-27, 56-67); and

identifying and providing a resolution to the network or system failure (column 9, lines 5-

35).

Regarding **claim 23**, Mann discloses the method of claim 22, wherein translating

occurs via an updatable mapping table that contains each instruction and the series of

commands corresponding to the instruction (column 4, lines 53-67; column 5, lines 1-

40).

Regarding **claim 24**, Mann discloses the method of claim 22, further comprising:

transmitting to the network management server the remote device message in a

first format (column 5, lines 41-67; column 6, lines 1-12);

converting the remote device message to a second format compatible with a

network management protocol (column 5, lines 41-67; column 6, lines 1-12); and

transmitting a message in the second format to at least one network component

(column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 25**, Mann discloses the method of claim 22, wherein the remote

device message is a network command (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 26**, Mann discloses the method of claim 22, wherein the remote

device message is encrypted, the method further comprising:

decrypting the message (column 4, lines 53-67; column 5, lines 1-40; also note that the

concept of encrypting and decrypting is inherent to most integration systems when

integrating applications from diverse protocols).

Regarding **claim 27**, Mann discloses the method of claim 22, wherein the remote

device is selected from a group consisting of a clientless wireless device, a session

based wireless device, a paging wireless device, and an email-based wireless device

(fig. 3, items 68-76).

Regarding **claim 28**, Mann discloses the method of claim 22, further comprising:

receiving registration information, the registration information including user

information and remote device information, wherein the registration information is

usable in authenticating the remote device prior to communicating with the remote

device (column 9, lines 6-53).

Regarding **claim 29**, Mann discloses a method for remote response and

resolution of network and system failures, the method comprising:

upon receiving notification of a network or system failure, obtaining secure

access to a client network infrastructure from a remote device (column 2, lines 50-67;

column 8, lines 56-67);

transmitting a remote device message to the network management server, the

message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

at the network management server, translating each instruction into a series of commands that are executable against multiple network components, wherein translating occurs via an updatable mapping table that contains each instruction and the series of commands corresponding to the instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67); and

identifying and providing a resolution to the network or system failure (column 9, lines 5-35).

Regarding **claim 30**, Mann discloses the tool for remote response and resolution of network and system failures, the tool comprising;

means for obtaining secure access to a client network infrastructure from a remote device upon receiving notification of a network or tool failure(column 2, lines 50-67; column 8, lines 56-67);

means for transmitting a remote device message to the network management server, the message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

translating means for translating each instruction into a series of commands that are executable against multiple network components (column 6, lines 1-12; column 8, lines 3-27, 56-67);and

means for identifying and providing a resolution to the network or tool failure (column 9, lines 5-35).

Regarding **claim 31**, Mann discloses the tool of claim 30, wherein the translating

means comprises an updatable mapping table that contains each instruction and the

series of commands corresponding to the instruction (column 4, lines 53-67; column 5,

lines 1-40).

Regarding **claim 32**, Mann discloses the tool of claim 30, further comprising:

first transmitting means for transmitting to the network management server the

remote device message in a first format (column 5, lines 41-67; column 6, lines 1-12);

means for converting the remote device message to a second format compatible

with a network management protocol', and

second transmitting means for transmitting a message in the second format to at

least one network component (column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 33**, Mann discloses the tool of claim 30, wherein the remote

device message is a network command (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 34**, Mann discloses the tool of claim 30, wherein the remote

device message is encrypted, the tool further comprising:

means for decrypting the message (column 4, lines 53-67; column 5, lines 1-40; also

note that the concept of encrypting and decrypting is inherent to most integration

systems when integrating applications from diverse protocols).

Regarding **claim 35**, Mann discloses the tool of claim 30, wherein the remote

device is selected from a group consisting of a clientless wireless device, a session

based wireless device, a paging wireless device, and an email-based wireless device

(fig. 3, items 68-76).

Regarding **claim 36**, Mann discloses the tool of claim 30, further comprising:

means for receiving registration information, the registration information including

user information and remote device information, wherein the registration information is

usable in authenticating the remote device prior to communicating with the remote

device (column 9, lines 6-53).

Regarding **claim 37**, Mann discloses a computer program product comprising a

computer usable medium having control logic stored therein for causing a computer to

remotely respond to and resolve network and system failures, the control logic

comprising:

first computer readable program code means for obtaining secure access to a

client network infrastructure from a remote device upon receiving notification of a

network or tool failure (column 2, lines 50-67; column 8, lines 56-67);

second computer readable program code means for transmitting a remote device

message to the network management server, the message comprising at least one

instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

third computer readable program code means for translating each instruction into

a series of commands that are executable against multiple network components

(column 6, lines 1-12; column 8, lines 3-27, 56-67); and

fourth computer readable program code means for identifying and providing a

resolution to the network or tool failure (column 9, lines 5-35).

Regarding **claim 38**, Mann discloses the computer program product of claim 37,

wherein the third computer readable program code means comprises an updatable

mapping table that contains each instruction and the series of commands corresponding

to the instruction (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 39**, Mann discloses the computer program product of claim 37,

further comprising:

fifth computer readable program code means for transmitting to the network

management server the remote device message in a first format (column 5, lines 41-

67; column 6, lines 1-12);

sixth computer readable program code means for converting the remote device

message to a second format compatible with a network management protocol (column

5, lines 41-67; column 6, lines 1-12); and

seventh computer readable program code means for transmitting a message in

the second format to at least one network component (column 6, lines 1-12; column 8,

lines 3-27, 56-67).

Regarding **claim 40**, Mann discloses the computer program product of claim 37,

wherein the remote device message is a network command (column 4, lines 53-67;

column 5, lines 1-40).

Regarding **claim 41**, Mann discloses the computer program product of claim 37,

wherein the remote device message is encrypted, the computer program product further

comprising:

fifth computer readable program code means for decrypting the message (column 4,

lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and

decrypting is inherent to most integration systems when integrating applications from

diverse protocols).

Regarding **claim 42**, Mann discloses the computer program product of claim 37,

wherein the remote device is selected from a group consisting of a clientless wireless

device, a session based wireless device, a paging wireless device, and an email-based

wireless device (fig. 3, items 68-76).

Response to Arguments

5.   Applicant's Request for Reconsideration filed on 03/13/2006 has been carefully

considered but is not deemed fully persuasive. However, because there exists the

likelihood of future presentation of this argument, the Examiner thinks that it is prudent

to address Applicants' main points of contention.

A. Applicant contends that regarding claims 22-42, the Applicants respectfully

submit that these claims are allowable over the cited art.

B. Applicant contends that for all of the above reasons, it is respectfully

submitted that the claims now pending patentably distinguish the present

invention from the cited references. Accordingly, reconsideration and withdrawal

of the outstanding rejections and an issuance of a Notice of Allowance are

earnestly solicited.

6.   As to "Point A" it is the position of the Examiner that the news claims submitted

would be allowable over the cited prior art in the previous rejection. However, in view of

Applicant's remarks, stating the new claims are allowable over the cited art new

grounds of rejection as explained above necessitated by the amendment to the claims.

As to "Point B", it is also the Examiner's position that the application is not in

copndion for allowance and that the new reference of Mann teaches all the limitations of

the claimed invention[see rejection of claims 22-42 above]

Examiner notes with delight that no new matter has been added and that the new

claims are supported by the application as filed. However, applicant has failed in

presenting claims and drawings that delineate the contours of this invention as

compared to the newly cited prior art. Applicant has failed to clearly point out

patentable novelty in view of the state of the art disclosed by the references cited that

would overcome the 102(e) anticipation applied against the claims, the rejection is

therefore sustained.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action. -

Any inquiry concerning this communication or earlier communications from

examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-

3914. The examiner can normally be reached on Monday-Thursday and every other

Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (571) 272-

9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143   JEFFREY PWU
                                                PRIMARY EXAMINER

JJG

        June 05, 2006